

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

No. 1:21-CR-373-1

UNITED STATES OF AMERICA

v.

TIMOTHY JAY NORMAN

**MOTION TO MODIFY
CONDITIONS OF RELEASE**

NOW COMES DEFENDANT Tim Norman, through undersigned counsel, and respectfully moves this Court for an order modifying his conditions of release. In support of this Motion, Defendant shows the Court the following:

1. Defendant Norman was arrested on the original indictment in this case on 7 July 2021. He was held in custody until released at a detention hearing held on 14 July 2021, on conditions of release including (1) location monitoring and (2) home incarceration.

2. The Court further ordered Defendant undergo a psychological evaluation and comply with any recommended treatment; Dr. Jim Hilkey conducted that evaluation and made no recommendation for further counseling; the defense forwarded the findings to Probation on August 12, 2021.

3. Defendant entered a guilty plea to selling firearms without the appropriate license before Judge Eagles on March 10, 2022¹. Defendant, a career

¹ At the plea hearing, Judge Eagles expressly referred any motion of this nature to the original Magistrate Judge.

law-enforcement officer with no meaningful prior criminal record, has been disposed of his gun collection by seizure and cannot present risk of the same nature moving forward.

4. As a further basis for this modification request, the Defendant asserts he has been cooperative and in full compliance with all the conditions previously set by this Court since his release roughly 8 months ago. His limited movement on house arrest is impacting his ability to engage in family support and other productive activities. Specifically, Defendant has forever lost his family-supporting income as a highway patrolman as a result of the case. Yet he had a long-standing side business providing lawn and landscaping care to roughly 18 customers prior to this case that can still be partially salvaged toward good purpose. As spring arrives, Defendant could earn valuable income from the lawn care business to support his family while this matter approaches sentencing performing the same services. The Normans have several children and his ability to facilitate their schooling, health care, and extra-curricular efforts would assist the entire family's operations. Furthermore, the Normans should no longer suffer the thousands of dollars they have paid toward costs of electronic monitoring devices since imposition of current release conditions.

5. Undersigned counsel has discussed this motion with assigned AUSA JoAnna McFadden and she states that the Government does not oppose his release

from house arrest and location monitoring, but seeks a curfew on his activities outside the home².

6. Undersigned counsel has consulted with the assigned, supervising Probation Officer who reports Defendant is in compliance with the terms of his release and home monitoring. Indeed, Defendant has reported to counsel Probation's desire to remove the device following his plea hearing and need to switch out his monitoring devices promptly if this Court does not release him from those conditions.

WHEREFORE, Defendant respectfully requests that this Motion be granted, and that his conditions of release be amended to strike the location monitoring and home incarceration conditions.

This the 18th day of March, 2022.

**GAMMON, HOWARD &
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² Were the Court to find a curfew necessary, the defense asks the Court recognize landscaping businesses during the spring can be a dawn-to-dusk operation and any limitations should be set accordingly.

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing MOTION through the electronic service function of the Court's electronic filing system, as follows:

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This the 18th day of March, 2022.

/s/ Joshua Howard
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Appointed